

REMARKS

Status of Claims

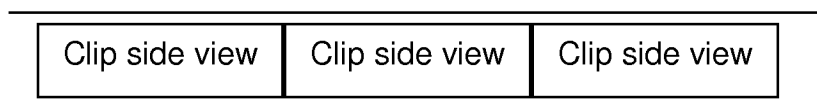
Claims 1-15 and 60-70 are pending.

Claim Rejections: 35 U.S.C. § 103(a)

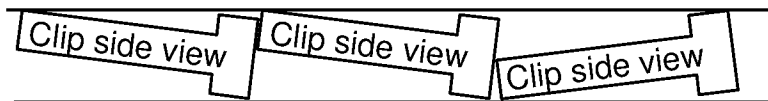
Claims 1-15 and 60-70 were rejected under 35 U.S.C. § 103(a) as reciting subject matter unpatentable over U.S. Pat. No. 6,193,732 to Frantzen et al. in view of U.S. Pat. No. 3,797,076 to Watkin. The Examiner acknowledged that Frantzen does not disclose occlusion clips having clip guide portions wider than the wire width but took the position that Watkin discloses such a feature, and that the combination of the references would have been obvious.

Applicant asks the Examiner to reconsider and withdraw the rejection because Frantzen teaches away from the modification urged by the Examiner for at least two distinct reasons.

First, Frantzen states that the central lumen 620 of his clip applier has a low profile to prevent clips 570 from becoming misaligned or jammed as the column of clips is pushed through the tube (col. 17, lines 6-10; Fig. 19B shows a front view). The following picture provides a stylized side view of Franzten's tube and clips:



Franzten's system was designed specifically to have each clip contact its forward neighbor so that the column of clips advances itself smoothly. If Frantzen's clips were modified to have widened ends, the lumen clearance would have to be increased to accommodate them, leaving the narrow back end of each clip vulnerable to the very jamming Frantzen is trying to avoid:



So one of ordinary skill would be dissuaded from making the modification the Examiner suggests.

Second, the purpose of including widened ends in the claimed occlusion clips is to provide a way for the clip applier to pry open the clips. (The widened ends slide up on recessed rails in the jaws and then snap together when pushed past the rails' termination; see Figs 15-16 and specification paragraph [0058] of the present application.) But Frantzen already provides a method to pry open the clip: pin 595 (Fig. 19A), which pokes up in the clip channel and catches each clip as it is pushed out the end of the channel. The widened ends would consequently be superfluous to Frantzen's design and needlessly duplicative. One of ordinary skill would therefore be further dissuaded from making the proposed modification.

For these reasons, Applicant requests reconsideration and withdrawal of the rejection.

Dated: March 31, 2008

Respectfully submitted,

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